

EXHIBIT - E

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

JANE A. HALBRITTER,

Plaintiff,

-against-

STONEHEDGE ACQUISITION ROME II, LLC and STONEHEDGE
ACQUISITION CHITTENANGO II, LLC,

Defendants.

- - - - - x

115 Broadway, Suite 302
New York, New York

December 20, 2007
10:10 a.m.

DEPOSITION of JANE HALBRITTER, the Plaintiff in
the above-entitled action, suing herein as JANE A.
HALBRITTER, held at the above time and place, pursuant
to Order, taken before Shannon Carson, a shorthand
reporter and Notary Public within and for the State of
New York.

LEX REPORTING SERVICE

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A p p e a r a n c e s :

ALLEGAERT, BEREGER & VOGEL, LLP
Attorneys for Plaintiff
111 Broadway, 18th Floor
New York, New York 10006
BY: LOUIS A. CRACO, ESQ.

GOLDBERG, RIMBERG & FRIEDLANDER, PLLC
Attorneys for Defendants
115 Broadway, Suite 302
New York, New York 10006
BY: ROBERT RIMBERG, ESQ.

ALSO PRESENT:

JOSEPH ZUPNIK, with Defendants

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that filing,
sealing and certification be and the same
are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question shall be reserved to the
time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
and sworn to before any officer authorized
to administer an oath, with the same force
and effect as if signed and sworn to before
the Court and that a copy of this
examination shall be furnished without
charge to the attorney representing the
witness testifying herein.

1 J. Halbritter 4

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3 Prior to the start of the hearing,
4 exhibits marked. A, packet. B, one
5 page. C, five pages. D is one page. E
6 is 49 pages.

7

8 J A N E H A L B R I T T E R, the witness
9 herein, having been first duly sworn by a Notary
10 Public of the State of New York, was
11 examined and testified as follows:

12

13 EXAMINATION BY

14 MR. RIMBERG:

15

16 Q State your name for the record, please.

17 A Jane Halbritter.

18 Q State your address for the record,
19 please.

20 A 8231 Bay Colony Drive, apartment 1702,
21 Naples, Florida 34108.

22 Q Good morning. My name is Robert
23 Rimberg, I represent the defendants in this action.
24 I'm going to be asking you a series of questions. If
25 you don't understand any of my questions, you let me

LEX REPORTING SERVICE

1 J. Halbritter 5

2 know. I'd also ask that all your responses be verbal,
3 so the court reporter can take it down. Do you
4 understand?

5 A I do.

6 Q Have you ever had your deposition taken
7 before?

8 A Yes.

9 Q On how many occasions?

10 A I really couldn't recall. Maybe once or
11 twice, I think. I'd really have to give it more
12 thought, though, to be sure that I was accurate.

13 Q Were these depositions in actions in
14 which you were a party?

15 A Yes.

16 Q Were you a party in your individual
17 capacity or a member of a company?

18 A Member of a company.

19 Q What was the nature of the lawsuits;
20 were they negligence, were they contractor, or --

21 A I think contractor, it would be
22 considered.

23 Q Are you currently on any medication
24 today that would prevent you from remembering things
25 or, you know, causing your testimony not to be

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J. Halbritter

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accurate?

A No, I don't think so.

Q When you say you "don't think so" --

A I have chronic pain. I mean, I'm on medication, but nothing that would make me not be able to tell you that --

Q So it won't affect your memory?

A No.

Q How long have you lived at 8231 Bay Colony Drive?

A I want to say from right after the sale. I went down to Florida shortly after the sale, as best I can remember.

Q When you say "shortly after the sale," what does that mean?

A Well the sale closed, you know, at the end of December in '05, beginning of '06, around there.

Q Was the closing on January 3, 2006?

A I think it was physically on that date. But I think the papers were actually, the deal was considered closed as of December 31st, from the best of my knowledge.

Q Did you move down in 2006?

LEX REPORTING SERVICE

1 J. Halbritter 7

2 A Yes.

3 Q When did you move down?

4 A I would say, you know, I'm not, I don't
5 want to be inaccurate, but I went down first and
6 rented an apartment. And then over the course of that
7 first year, I had two apartments down there. And then
8 my husband and I, who are going through a divorce, had
9 bought a place.

10 And I talked with him, and I said, I'd
11 like to renovate the place. Because I didn't believe
12 he was going to want to live in Naples. And so I, you
13 know, he and I had agreed that I could start the
14 renovations. And as soon as the renovations allowed
15 me to move into the apartment, I moved into the
16 apartment.

17 So there were really two apartments that
18 I lived in. And then I moved in -- the second
19 apartment was in the building where I was renovating
20 our apartment.

21 Q My question was, you said you moved down
22 to Florida. When?

23 A I would say -- I would have to look at
24 my records.

25 MR. CRACO: Don't guess.

LEX REPORTING SERVICE

1 J. Halbritter 8

2 A I don't know. I would have to look at
3 my records.

4 Q When you moved down, as you put it, what
5 address did you go to?

6 A The first address was --

7 Q I just asked you when you first went
8 down.

9 MR. CRACO: That's what she's
10 giving you.

11 A I was trying to do that.

12 Q Okay.

13 A Well, first was in /TEUBer /ROPB.

14 Q What's address in /TEUB /ROPB?

15 A I don't recall it off the top of my
16 head. It's on, I think, Vanderbilt Beach Road.

17 Q Do you have any records that would --

18 A I do.

19 Q -- reflect the address?

20 A I do.

21 MR. RIMBERG: I ask that a space
22 be left and you fill it in.

23

24 (INSERT)

25

1 J. Halbritter

9

2 Q When you moved down there, as you put
3 it, did you move down alone or with somebody else?

4 A Alone.

5 Q Were you still with your husband, or you
6 were separated at that time?

7 A I was separated.

8 Q The apartment in /TEUB /ROPB, was that
9 pursuant to a lease, or did you buy it?

10 A It was a lease.

11 Q How long was the lease for?

12 A I think about three months. Maybe
13 longer, I'm not sure. But, you know, around that.

14 Q Do you have a copy of that lease?

15 A It was a verbal.

16 Q Was this a house or an apartment?

17 A It was a condo.

18 Q Did you know the owner?

19 A Yes.

20 Q Who was the owner?

21 A Wayne and Judy Levi.

22 Q How do you spell Levi?

23 A L-E-V-I.

24 Q Do you know their phone number?

25 A Not off the top of my head.

1 J. Halbritter 10

2 MR. RIMBERG: I ask that a space
3 be left for the phone number.

4

5 (INSERT)

6

7 Q Where do they reside?

8 A In New Hartford and Florida.

9 Q Where is New Hartford, what state?

10 A New York.

11 Q Do you know their address?

12 A No, not off the top of my head.

13 MR. CRACO: Address in New
14 Hartford?

15 MR. RIMBERG: Yes. I ask that a
16 space be left to insert the address in
17 New Hartford.

18

19 (INSERT)

20

21 Q Do you know their address in Florida, or
22 were you renting it?

23 A It was in that development, but not in
24 that apartment, obviously.

25 MR. RIMBERG: I ask that a space

LEX REPORTING SERVICE

1 J. Halbritter 11

2 be left, and you can provide us with
3 that address as well.

4

5 (INSERT)

6

7 Q After /TEUB /ROPB, did you get another
8 place in Florida?

9 A I did.

10 Q Where?

11 A At the apartment building called The
12 Brighton.

13 Q Where was that?

14 A In Bay Colony, at the address I just
15 gave as my current address.

16 Q Is that an apartment or a house?

17 A It's an apartment.

18 Q When you took this apartment, was it
19 pursuant to a lease, or was it oral as well?

20 A It was oral.

21 Q With whom?

22 A His name was Eckhard Kaemmer.

23 Q Do you know how to spell that?

24 A K-A-E-M-M-E-R.

25 Q Do you know how to spell Eckhard?

LEX REPORTING SERVICE

1 J. Halbritter 12

2 A E-C-K-H-A-R-D, I think.

3 Q When did you go into The Brighton?

4 A I would have to look at my records, I'm
5 not quite sure on the date.

6 Q Okay. I --

7 A But I could look at my records.

8 MR. RIMBERG: I ask that a space
9 be left, so we'll know when you moved
10 into The Brighton.
11

12 (INSERT)
13

14 Q Did you move in there alone or with
15 somebody else?

16 A Alone.

17 Q You were still separated from your
18 husband at that time?

19 A I was.

20 Q Did you know Mr. Kaemmer prior to
21 renting the apartment?

22 A No.

23 Q How were you introduced to him?

24 A I was working on the renovation of the
25 apartment I owned in that same building. And they

1 J. Halbritter 13

2 knew I was wanting to move into the building; the
3 manager told me that Mr. Kaemmer had an apartment.

4 Q Did there come a time that you moved out
5 of The Brighton?

6 A No, I'm still there.

7 Q So your current address is in that same
8 building?

9 A Yes.

10 Q Did there come a time that you moved out
11 of Mr. Kaemmer's apartment?

12 A Yes, into my own apartment.

13 Q When was that?

14 A I would say -- I want to be accurate.

15 But I would say it would be close to, I'm not quite
16 sure. I would say around October, November.

17 Q Of what year?

18 A '06. But I would want to check my
19 records to make sure.

20 MR. RIMBERG: We'll leave a space,
21 so we'll get the accurate time.

22

23 (INSERT)

24

25 Q Now this is apartment 702?

1 J. Halbritter

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2 A 1702.

3 Q 1702, correct?

4 A Yes.

5 Q This is a condo, correct, you said?

6 A Yes.

7 Q Are you the enowner of it?

8 A Yes. With my husband.

9 Q How long have you owned this apartment
10 with your husband?

11 A I'm not sure, but I would say probably
12 about three years.

13 Q Aside from owning this condo with your
14 husband in Florida, did you own any other property?

15 A In Florida? Yes.

16 Q Where?

17 A Marco Island.

18 Q What's the address?

19 A 1200 Laurel Court, Marco Island,
20 Florida.

21 Q Is this a house or an apartment?

22 A It's a house.

23 Q Do you own that alone?

24 A No.

25 Q Do you own that with your husband?

1 J. Halbritter 15

2 A No.

3 Q Who do you own it with?

4 A My brothers.

5 Q And what are the names of your brothers?

6 A Mark Rossi, M-A-R-C; and George.

7 Q How long have you owned the house on

8 Marco Island with your brothers?

9 A Since the death of my father.

10 Q Which is when?

11 A March 3, 2001.

12 Q So it was inheritance?

13 A Yes.

14 Q Have you ever resided in the house on

15 Marco Island?

16 A Yes, I did, actually, a long time ago.

17 And I stayed there this last year. I think I

18 actually -- think I stayed there last year for a few

19 weeks. Again, while my apartment was being renovated.

20 Q Do either of your brothers use the

21 house?

22 A Rarely. Maybe couple weeks a year.

23 Q Aside from the apartment that you own

24 with your husband and The Brighton, the house on Marco

25 Island you have with your brothers, do you own any

1 J. Halbritter 16

2 other property in Florida?

3 A No.

4 Q Do you have a driver's license?

5 A I do.

6 Q From what state?

7 A Florida.

8 Q When did you get it?

9 A Pardon me?

10 Q When did you get it?

11 A I don't remember. In the last year.

12 Q Do you have a copy of it with you?

13 A I left it in the car.

14 Q You also have a New York State license?

15 A They made me surrender it when I got it.

16 Q When was that?

17 A I'd have to look on the license to see.

18 MR. RIMBERG: That was one of the
19 things I asked for.

20 MR. CRACO: Yes, I know.

21 MR. RIMBERG: And you said one
22 doesn't exist.

23 MR. CRACO: No, actually, that's
24 not correct. You asked for her license
25 as of May 18, 2007. My understanding

1 J. Halbritter 17

2 from the witness was that no license,
3 that was her license on May 18, 2007,
4 currently exists in her possession,
5 custody or control.

6 MR. RIMBERG: But it's in her car
7 now.

8 THE WITNESS: No, no. That's my
9 Florida license.

10 MR. RIMBERG: I asked for any
11 license. I didn't say New York license.

12 MR. CRACO: You asked for the
13 license that she held as of May 18th.

14 MR. RIMBERG: Right.

15 MR. CRACO: My understanding from
16 the client was that the license she
17 currently holds is not the license she
18 held as of May 18, 2007.

19 THE WITNESS: Right.

20 Q Did you have a New York license as of
21 May 18th?

22 A Yes, I believe so.

23 Q Okay. Did you get your Florida license
24 after May 18th?

25 A Yes.

1 J. Halbritter 18

2 Q Did you get it this past summer?

3 A I'd have to really look, I don't want to
4 speculate --

5 MR. CRACO: We will supply you
6 with a copy of the Florida license.

7 A I will supply it to you.

8 Q You said that when you got your Florida
9 license, you had to surrender your New York license?

10 A That's what they told me.

11 Q How did you surrender it?

12 A I just gave it to them.

13 Q You gave it to who?

14 A The girl at the Motor Vehicle place.

15 Q In Florida?

16 A Yes.

17 Q Over the last twelve months, let's
18 start, make it easier: From January 1, 2007, to the
19 present, how much time have you spent in Florida?

20 A I just don't want to speculate. I could
21 look at my records and perhaps try to come up with a
22 chronology, but I couldn't put an exact time on it. I
23 would say most of my time, to the best of my belief.

24 Q How would you go down to Florida; by
25 plane?

1 J. Halbritter 19

2 A Sometimes private plane, sometimes car.

3 Q Do you have records showing when you
4 went back and forth?

5 A Not really. I mean, unless I looked at
6 my credit cards to see gas receipts or -- but the
7 private lane, there's no receipts, obviously.

8 Q Whose plane is it?

9 A Well, let's see, I have a couple friends
10 with planes. Mr. and Mrs. Bill McCartney and a
11 friend, Elizabeth Fago.

12 Q So it would be accurate to say you have
13 no records to establish how often you went back and
14 forth?

15 A No. I would say my credit cards to my
16 gas would show when I drove to Florida.

17 MR. RIMBERG: I call for
18 production of these records that would
19 show the comings and goings from Florida
20 to New York.

21 Q Do you have any cars registered to your
22 name?

23 A Yes.

24 Q What kind of cars?

25 A I believe a Porsche, a BMW, Range Rover,

1 J. Halbritter 20

2 and I believe a Ford Expedition.

3 MR. CRACO: Are you finished with
4 your answer?

5 THE WITNESS: Yes.

6 MR. CRACO: Just by way of
7 clarification, was your question about
8 cars registered to her name as of today?

9 MR. RIMBERG: As of today.

10 MR. CRACO: Did you understand
11 that to be the question, as sitting here
12 right now?

13 THE WITNESS: Yes.

14 Q The Porsche, it's registerd in what
15 state?

16 A New York.

17 Q The BMW?

18 A New York.

19 Q The Range Rover?

20 A New York.

21 Q And the Ford Expedition?

22 A New York.

23 Q Do you have insurance on these cars?

24 A Of course.

25 Q With which insurance company?

1 J. Halbritter 21

2 A Travelers, I think.

3 Q Travelers bill, where is that sent to?

4 A I believe it's Florida.

5 Q Florida address?

6 A I'm not sure, but I think it is.

7 MR. RIMBERG: I call for
8 production of the Travelers bill that
9 has the address. The amounts, I'm not
10 interested in; just the address.

11 MR. CRACO: All these requests
12 taken under advisement.

13 MR. RIMBERG: We don't have much
14 time. That's why.

15 Q Are you a registered voter?

16 A Yup.

17 Q Are you registered voter in 1996?

18 A Was I registered to vote? Yes.

19 Q 1997?

20 A Yes.

21 Q In which state were you registered to
22 vote in 1996?

23 A I think New York.

24 Q 1997?

25 A I think both states, New York and

LEX REPORTING SERVICE

1 J. Halbritter 22

2 Florida.

3 Q When you say "both states," you kept
4 your voting registration in New York; and then you
5 also applied in Florida, is that how you did it --

6 A No, no.

7 Q -- how does it work?

8 A Once I registered in Florida, I had to
9 give up my New York registration.

10 MR. CRACO: Just, did you mean to
11 say 1996 and 1997?

12 MR. RIMBERG: I mean 2006 and
13 2007.

14 THE WITNESS: I knew what he
15 meant.

16 MR. CRACO: Just so the record's
17 clear.

18 MR. RIMBERG: Yes, we all agree.

19 Q When is it that you gave up your New
20 York voting registration?

21 A When I got my license.

22 Q That's past summer?

23 A Well I didn't say summer --

24 Q It was after May 18th, though?

25 A I'm not -- yes, I think so. I think so.

1 J. Halbritter 23

2 Q Did you get a voter registration card?

3 A Yeah, I think I did. Yes.

4 Q Did you have to fill out paperwork to
5 get the voter registration card down in Florida?

6 A Yes.

7 Q Do you have a copy of the voter
8 registration down in Florida?

9 A I can look, I'm sure I kept it. I would
10 think so, yes.

11 MR. RIMBERG: So I call for
12 production of the voter registration and
13 if there are any associated documents
14 that you have to fill it out, I'd ask
15 for that as well.

16 Q Now with regards to your New York voter
17 registration, you said you had to give it in?

18 A Well, I don't know if you give it in, as
19 much as I don't believe you can be registered, in two
20 states, to vote. That'd be good, though, if you
21 could.

22 Q Did you do anything, affirmatively, to
23 cancel your voter registration in New York?

24 A I wasn't aware that I had to do that. I
25 assumed that you just ceased to vote once you're

1 J. Halbritter

24

2 registered in another state.

3 Q My question is, if you didn't do
4 anything affirmatively, then say you didn't do
5 anything affirmatively.

6 A I didn't --

7 MR. CRACO: Other than register in
8 Florida.

9 A I registered in Florida, that's all I
10 did.

11 Q But you didn't do anything to cancel the
12 New York registration?

13 A No.

14 Q Did you notify Travelers that you moved
15 down to Florida?

16 A I don't remember. I believe they have
17 my address, but I don't know other than that.

18 Q Do you use an insurance broker?

19 A Yeah.

20 Q What is the name of your insurance
21 broker?

22 A Dom DeAngelo.

23 Q Dom is the first name?

24 A Yes.

25 Q DeAngelo is the second name, D

1 J. Halbritter 25

2 apostrophe A-N-G-E-L-O?

3 A I think it's D-E-A-N.

4 Q Were are they located?

5 A In New Hartford.

6 Q That's in New York?

7 A Yes.

8 MR. RIMBERG: Off the record.

9 (Whereupon, a discussion was held

10 off the record.)

11 Q Do you use Dom DeAngelo for all of your
12 insurance needs?

13 A Well not all. But mostly, a lot. You
14 know, I've done business with him for years.

15 Q Do you use any insurance broker in
16 Florida?

17 A Yes.

18 Q Who?

19 A I don't know the names. I'd have to get
20 them. For, obviously, the two homes.

21 Q So you use the Florida insurance broker
22 to deal with the one in Marco Island and the one in
23 The Brighton?

24 A Yes.

25 Q And you've use them for many years?

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J. Halbritter

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2

A

I would say since ownership of the

3

properties.

4

Q

Do you bank with any financial

5

institutions?

6

A

Yes.

7

Q

What are they?

8

A

NBT in Rome, New York.

9

Q

Any other banks?

10

A

No.

11

Q

Do you know the address in Rome, New

12

York?

13

A

Black River Boulevard.

14

Q

Do you utilize any brokerage firms, like

15

Smith Barney or Merrill Lynch or anything like that?

16

A

Strategic Investments.

17

Q

Where are they located?

18

A

New Hartford and West Palm Beach.

19

Q

Do you deal with a specific person

20

there?

21

A

The owner of the firm.

22

Q

Where's he located out of?

23

A

New Hartford and Palm Beach.

24

Q

He's in both locations?

25

A

Yes.

1 J. Halbritter

27

2 Q Where in West Palm Beach are they?

3 A I would have to look up their address.

4 He comes to my place in Florida, I don't go to his
5 office.

6 Q Has he ever come to your place up in New
7 York?

8 A No.

9 Q You've never met him in New York?

10 A I've met him in his office in New York.
11 But he's also come to my place in Florida for business
12 meeting.

13 Q What's his name?

14 A Allen.

15 Q Allen L --

16 A Leist, L-E-I-S-T.

17 Q How long have you been associated with
18 Strategic Investments?

19 A I would say really since the sale of the
20 nursing home.

21 Q You said you would, you really would
22 say. Did you have any kind of business relationship
23 before the sale of the nursing home?

24 A No.

25 Q When you first met him, it was up in his

1

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2 office at Black River Boulevard?

3 A No. He's from New Hartford.

4 Q That's how you know him?

5 A Well, I met him through friends in New
6 Hartford. You know, he's a very well known financial
7 person. He's in the Barron's top one hundred. And so
8 when I want had the nursing home sale, I wanted
9 somebody who was one of the best.

10 Q Do you have any other relationship with
11 any other banking or financial institutions, or that's
12 it?

13 A That's it.

14 Q Do you belong to any churches?

15 MR. CRACO: Currently?

16 A Not really, no.

17 Q Do you belong, just to clarify, in the
18 last twelve months, have you belonged to any churches,
19 based on what your attorney just said?

20 A Not really.

21 Q In the last twelve months, have you
22 belonged to any clubs?

23 A Yes. Two.

24 Q Which clubs are those?

25 A Teugega Country Club. T-E-U-G-E-G-A,

LEX REPORTING SERVICE

1 J. Halbritter 29

2 country club.

3 Q Where's that located?

4 A It's in Rome, New York.

5 Q What kind of club is that?

6 A Golf.

7 Q You said there was a second club.

8 What's that?

9 A Bay Colony Beach Club.

10 Q How long have you been a member there?

11 A Since we bought our place in Florida.

12 Q About three years ago?

13 A Yes.

14 Q Do you use, back in May of 2007 and

15 prior, did you use any lawyers?

16 A Yes.

17 Q What are their names?

18 A Eric Facer.

19 Q F-A --

20 A C-E-R.

21 Q Okay. Who else?

22 A Lou. Well, I don't know prior, though.

23 MR. CRACO: I'm sorry? The

24 question, what is the time frame?

25 (Whereupon, the record was read by

LEX REPORTING SERVICE

1 J. Halbritter 30

2 the reporter.)

3 MR. CRACO: As of the date of the
4 filing of the complaint?

5 MR. RIMBERG: Yes.

6 MR. CRACO: Yes.

7 A Let me think about this a minute, sorry.

8 MR. CRACO: These, I believe, are
9 addressed on the 26A report, which
10 hasn't found its way to you yet.

11 MR. RIMBERG: Right. So I'm
12 working with that.

13 MR. CRACO: So you want me to help
14 you to a little bit here? I don't want
15 to do anything you would regard as
16 coaching, but I know the answer to the
17 question, and can --

18 MR. RIMBERG: Yes. Why doesn't
19 she answer to the best of her ability,
20 and when it comes, then I can go back.

21 MR. CRACO: Fine.

22 A I think I used Herb Cully -- well, Bill
23 Cally, I think, from a firm, Cally Cally -- I don't
24 know. But I used them: I was in Florida; they're a
25 New York firm, but they helped me with a Florida

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J. Halbritter

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2 matter. And --

3

MR. CRACO: As of May?

4

Q If that's what you remember now, that's

5

fine.

6

A That's all I can think of, sorry.

7

Q After May, did you hire any other

8

lawyers?

9

A Well, my divorce attorneys. But that

10

was, I think, before May.

11

Q What's their name?

12

A John Brenizer.

13

Q Burnizer or --

14

A Brenizer, B-R-E-N-I-Z-E-R.

15

Q Eric Facer, where is he located?

16

A Washington.

17

Q How long have you used him?

18

A Many years.

19

Q More than five?

20

A More than five.

21

Q More than ten?

22

A No. I would say under ten, between five

23

and ten.

24

Q Lou Craco, we know he's located in New

25

York. Bill Cally is a New York firm, you said?

LEX REPORTING SERVICE

1

J. Halbritter

32

2

A Yes.

3

Q Where are they based?

4

A New York. I don't know if they have

5

other offices; they may have other offices.

6

Q Where are they based out of, to your

7

knowledge?

8

A Utica.

9

Q And you said you retain them to handle

10

things in Florida for you; that's dealing with the

11

apartments and the houses?

12

A No. I actually used a Florida lawyer

13

for that.

14

Q So then what did you use them for?

15

A My car got hit by lightening while I was

16

driving in Florida last year. And it took Range Rover

17

six months to fix it, so I had to get an attorney

18

involved.

19

Q And John Brenizer?

20

A He's in Syracuse. I used him when I was

21

sued for divorce.

22

Q When was that, by the way?

23

A I'd have to look at the date on the

24

complaint.

25

Q Was it in 1997?

1

J. Halbritter

33

2

MR. CRACO: You mean 2007.

3

Q I mean 2007.

4

A It might have even been in 2006.

5

Q Okay.

6

A I'm not sure, but --

7

Q The border of 2006, 2007?

8

A Boy, it's hard to remember. I don't

9

know. Around there, I would say.

10

MR. RIMBERG: If We can leave a

11

space --

12

MR. CRACO: I believe it's

13

reflected on one of the documents we've

14

turned over to you. I believe it says

15

December. 2006.

16

MR. RIMBERG: That's fine.

17

Q Back in May of 2007, did you have an

18

accountant?

19

A Yes.

20

Q What's the name of the accountant?

21

A Pinto, Mazinski and Watson.

22

Q Where are they located out of?

23

A Watertown, New York.

24

Q After May of 2007, do you still use

25

Pinto?

1

J. Halbritter

34

2

A For some things. But I'm -- also have

3

an accountant in Rome by the name of D'Arcangelo and

4

Co.

5

Q Dark?

6

A We have a lot of Italians.

7

MR. RIMBERG: Off the record.

8

(Whereupon, a discussion was held

9

off the record.)

10

Q Do you use any other accountants, aside

11

from Pinto and D'Arcangelo?

12

A No.

13

Q In 2007, have you seen any doctors?

14

A Yes.

15

Q What are their names?

16

A Several. My primary care doctor is Dr.

17

Cravis.

18

Q Right. Who else?

19

A He's in Naples, Florida.

20

Q All right.

21

A My gynecologist is Dr. Blane Crandall.

22

Q Where is he?

23

A Florida, Naples.

24

Q Okay.

25

A My psychiatrist is in Florida, Naples.

LEX REPORTING SERVICE

1 J. Halbritter

35

2 Q Right.

3 A And I have a pain doctor here in New
4 York City.

5 Q What's his name?

6 A She. It's Dr. D'Oro, Sulani D'Oro,
7 she's at Beth Israel.

8 Q Okay. How long have you been using
9 Dr. Cravis?

10 A He's a concierge doctor. I think I
11 signed up with his practice in January of '07.

12 Q After January of '07, you didn't see any
13 doctors up in New York?

14 A I don't think so. I think -- let me
15 think. I came to see Dr. D'Oro for regular, you know,
16 a pain visit. Let me think. I think I went to a
17 doctor once, but I, you know, just went for one
18 visit -- it was a psychiatrist in Syracuse.

19 MR. CRACO: That was in 2007.

20 THE WITNESS: I think so, I think
21 so. But that's all.

22 Q How many times have you seen Dr. Cravis?

23 A A couple, a couple.

24 Q "A couple" meaning two, a couple meaning
25 six or seven?

1

J. Halbritter

36

2

A I would say, you know, two or three.

3

Q Your OB/GYN?

4

A Once for annual.

5

Q When was that?

6

A I'd have to look at my records.

7

MR. RIMBERG: I ask that a space

8

be left open.

9

10 (INSERT)

11

12

Q But if I can help, just jog your memory;

13

was it since the summer?

14

A No. It was well before the summer, I

15

think. I would say it was probably at the end of 2006

16

or early 2007.

17

MR. RIMBERG: If we can leave a

18

space for a more exact date, that would

19

be good.

20

Q Then you said you saw --

21

A Dr. Hellicus.

22

Q Is that the psychiatrist in Florida?

23

A Yes.

24

Q Okay. When did you start seeing him?

25

A I think I started seeing him in about

1
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J. Halbritter

37

March of '06 and probably saw him couple times a month, perhaps for the last couple years, once to twice a month. I'd have to check my bills, but --

MR. RIMBERG: I call for
production of those documents.

Q All right. Do you sit on any boards of any kind?

A Well I'm a holdover on one board. I formerly had an appointment, gubernatorial appointment on a New York State insurance commission. But I'm not -- technically, I'm just serving until my replacement. My term expired in, I think, the end of '06.

Q You say you're a "holdover." What does that mean?

A You know, out of courtesy, because I was on that -- I've been a commissioner for many years, since 1994. My term expired, and I presume Governor Spitzer -- actually, I got a letter that he was going to replace me.

Q Do you have a copy of this letter?

A I looked for it. I couldn't find it, but I received it a while ago.

Q Did you ever send in a letter of

LEX REPORTING SERVICE

1 J. Halbritter 38

2 resignation?

3 A That's not necessary because my term
4 expired.

5 Q When you say it's "not necessary," what
6 do you base that on?

7 A Well, you wouldn't send a letter of
8 resignation for a term that doesn't exist anymore.

9 Q Do you have anything in writing showing
10 when your term began and when your term ended?

11 A I think I do. I think you have it.

12 Q That's the only letter that you have?

13 A Yes, I believe so.

14 MR. RIMBERG: Then I call for a
15 search, and see if you have any other
16 letters.

17 A I looked --

18 MR. CRACO: My understanding is --

19 MR. RIMBERG: She said she
20 believes so --

21 A I'm sorry, I should have been more
22 clear. That's all that I have.

23 Q Did you ever notify anybody at the State
24 Insurance Fund that you were moving down to Florida?

25 A Well, they sent a lot of the packets

LEX REPORTING SERVICE

1 J. Halbritter 39

2 down there. I mean, you know.

3 Q My question is, did you notify them that
4 you were moving your residence from New York to
5 Florida?

6 A I wouldn't say that I notified them that
7 I moved my residence. But I mean, I don't normally
8 say, I'm moving my residence. I mean I say, send my
9 mail here.

10 Q So at no time you said you were moving
11 from New York to Florida?

12 A Well, I said I'm in Florida, and my mail
13 will be received here now.

14 Q My question is simple. Did you tell
15 anybody at the State Insurance Fund that you were
16 going to be moving from New York to Florida?

17 A I don't recall.

18 Q Did you have any discussions with
19 somebody at the State Insurance Fund that, in fact,
20 you were planning on residing in Florida from here on
21 in, at some point?

22 A I don't recall having a discussion like
23 that.

24 Q At the State Insurance Fund, was there
25 one person you would generally have contact with in

1 J. Halbritter 40

2 calendar year 2007?

3 A Well, I mean the board secretary.

4 Q What's his name?

5 A Chris Barkley.

6 Q What were the conversations you had with

7 Chris Barkley?

8 A They were really e-mails. I mean, he

9 e-mails me.

10 Q Did you ever e-mail him that you moved

11 out of New York?

12 A Not really. But I believe they send my

13 board materials to Florida.

14 Q When you say you "believe," you're not

15 sure?

16 A Pretty sure, but not a hundred percent

17 sure.

18 Q Do you own any companies?

19 A Yes.

20 Q What are the names of them?

21 A James Street Management.

22 Q What else?

23 A Gore Road, L.L.C.

24 Q What else?

25 A Through inheritance, I came by, you

1 J. Halbritter 41

2 know, ownership in my dad's companies, which would
3 would be Universal Linen Services, Inc.

4 Q What else?

5 A Tuxedo Mobile Homes, Inc.

6 Q What else?

7 A James Street. I think that's it, that I
8 can recall right now.

9 THE WITNESS: Did I give you
10 anything else?

11 MR. RIMBERG: All right. We'll
12 leave a space, if you remember anything
13 else.

14 MR. CRACO: Is there a
15 construction company?

16 THE WITNESS: Well, it hasn't been
17 operational in years. I mean, we had,
18 you know, there's a corporation. But
19 it's, you know, they haven't done
20 work --

21 Q What's the name of it?

22 A -- since my dad died.

23 Q What's the name of it?

24 A George Rossi Construction.

25 Q That is not operational?

LEX REPORTING SERVICE

1

J. Halbritter

42

2

A It hasn't been, for years.

3

Q That was a New York corp, though?

4

A Yes.

5

Q Tuxedo Mobile Homes, where is that out

6

of?

7

A Rome, New York.

8

Q And Universal Linens?

9

A Rome, New York.

10

Q And Gore Road?

11

A Rome, New York.

12

Q And James Street Management?

13

A Rome, New York.

14

Q Are you the only owner of James Street

15

Management?

16

A No.

17

Q Who else?

18

A My brother, Marc.

19

Q Who run it is day-to-day affairs at

20

James Street Management?

21

A It really is not active as a corporation

22

very much now. But I would say I handle --

23

Q Whatever is going on.

24

A (No verbal response.)

25

MR. CRACO: You can't nod.

LEX REPORTING SERVICE

1

J. Halbritter

43

2

A Yes.

3

Q Gore Road, is that a property that you

4

own?

5

A Yes.

6

Q Are you the sole owner?

7

A Yes.

8

Q Is there anything on this property?

9

A It's a commercial building that I lease

10

out.

11

Q Who manages this building?

12

A Well I don't know if manage would be the

13

word. The leases allow for the tenants to do all the

14

maintenance and everything. But I guess I manage it,

15

insofar as there's any issues that come up.

16

Q They pay rent?

17

A Yes.

18

Q Where's the rent sent to?

19

A I believe Florida. And then, I believe,

20

one goes to my brother's office, and he deposits it

21

for me. I just haven't gotten around to changing my

22

address on it.

23

Q Okay. So they go, still, to your

24

brother's address --

25

A No. I said, I think one or two come to

800-608-6085

1 J. Halbritter 44

2 my place in Florida.

3 Q Okay.

4 A And then one, I just hadn't changed the
5 address. And it just goes to a P.O. Box.

6 Q When did these one or two start going to
7 Florida?

8 A Oh I would imagine about a year ago.

9 Q Do you have any records that would
10 reflect when they started?

11 A Not really, no.

12 Q Universal Linens, is that an active
13 company?

14 A Not anymore.

15 Q When did it stop being active?

16 A Well, when certain people didn't pay me.

17 Q When is it that Universal Linens stopped
18 being active?

19 A I would say last year.

20 Q Approximately when?

21 A I would have to look at my records.

22 MR. RIMBERG: We'll leave a space.

23 You can let me know.

24

25 (INSERT)

1

J. Halbritter

45

2

3

Q Tuxedo Mobile Homes, is that still

4

active?

5

A It is. There's a statutory time frame.

6

We gave notice to all the tenants that we were going

7

to close it. But by law in New York, you have to keep

8

it open for a year. We're in that, we're about six

9

months or more into that period.

10

Q Who runs that?

11

A My brother, Marc.

12

Q You two are fifty-fifty owners in that?

13

A No. My dad left it, in third shares, to

14

my brother, George, Marc and myself. But --

15

Q All right.

16

Q Do you own a Jaguar?

17

A No.

18

Q When did you get rid of it? Did you

19

ever own a Jaguar?

20

A I never owned one; I leased one. And I

21

don't know why you asked me that, because that should

22

have been -- I haven't had that since I got the BMW or

23

the, you know, the Range Rover. I don't even know why

24

that would show. The lease was up like over two years

25

ago, I think.

1 J. Halbritter 46

2 Q Okay. Do you own a residence in Rome,
3 New York?

4 A No -- well yes, I'm sorry. With my
5 husband, you know, jointly. We have never lived in
6 it, but we were about to renovate it.

7 Q Where's that?

8 A 1201 North George Street.

9 Q Do you own a property at 100 West Garden
10 Street?

11 A No. The corporation owns that.

12 Q Which corporation?

13 A James Street Management.

14 Q Have you ever lived in it?

15 A Yes.

16 Q When did you start living in it?

17 A I would say shortly after my dad died.

18 Q When was that?

19 A March, 2001.

20 Q Did you live there with your husband at
21 any time?

22 A Yes.

23 Q When you're in Rome, New York, do you
24 still stay there?

25 A Yes.

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J. Halbritter 47

Q Do you have any employees that work for
you at that address?

A Not currently.

Q When I say employees, I mean
housekeepers also as well or --

A Not currently.

Q Do you own a property in Verona, New
York?

A No.

Q Okay. If I said Patrick Road?

A That's my husband's address.

Q That's where he currently lives?

A No. That's where the casino is.

Q Okay. Aside from this lawsuit that's
pending and the divorce action, do you presently have
any other lawsuits in the State of New York?

A A staff work's case, which was connected
with the nursing home.

Q Anything else?

MR. CRACO: You're referring to
cases in which Jane is personally named
as a party?

MR. RIMBERG: Correct. Everything
else isn't relevant.

1 J. Halbritter 48

2 A I don't think so.

3 Q That's fine. I'm asking the questions,
4 because I don't know the answers.

5 A Yes. I hope I'm not forgetting
6 anything.

7 Q In Florida, did how you ever apply for a
8 home state exemption?

9 A No.

10 Q Do you know what a home state exemption
11 is?

12 A No.

13 Q Have you ever filed a Florida tax
14 return?

15 A Not yet.

16 Q Do you have any children?

17 A No.

18 Q Did you ever hear of the TRI Academy?

19 A What's that? No.

20 Q All right. Did you ever hear of the
21 Christian Age?

22 A (No verbal response.)

23 Q How about the Rockford Institute?

24 A The Rockford Institute, I heard of.

25 Q And what is the Rockford Institute?

1 J. Halbritter 49

2 A It's a think tank.

3 Q Are you a member?

4 A I was. I have not been participating
5 for a long time.

6 Q Did you ever resign from your
7 membership?

8 A Not formally. I only went to one
9 meeting.

10 Q When did you go to that meeting?

11 A I don't know, maybe a year-and-a-half
12 ago.

13 Q Did you ever notify them that you no
14 longer wanted to be on the board?

15 A No.

16 Q Did you ever notify them of a change of
17 address?

18 A I didn't really even accept to begin
19 with. But they asked me to be on the board, and I
20 went to one meeting.

21 Q Okay. Are you aware you're on the
22 board?

23 A Not really. I mean, I'm not a
24 participating member, so maybe they have me listed
25 it's possible.

1 J. Halbritter 50

2 Q Did they ever send you mail?

3 A Not for the last year.

4 Q Do you know David Hartman?

5 A He's affiliated with Rockford Institute.

6 Q Who asked you to come to this meeting
7 for the Rockford Institute?

8 A David Hartman.

9 Q How do you know David Hartman?

10 A I went to a dinner in Washington, D.C.

11 Q The two of you met there?

12 A Yes.

13 Q Do you have any records that would
14 reflect when this meeting was at the Rockford
15 Institute?

16 A Not, not, not that I remember. I don't
17 think so.

18 Q Have you ever seen the annual reports
19 from the State Insurance Fund?

20 A Of course.

21 Q Are you aware your name appears in it as
22 a board member?

23 A Yes -- well, yeah. The last one, I
24 would think it did.

25 Q Is there any reason to believe that you

1 J. Halbritter 51

2 wouldn't be in this one?

3 MR. CRACO: What is that one?

4 A Which one is that one?

5 MR. RIMBERG: I'm saying in 2007.

6 Q Has it come out yet?

7 A Not that I'm aware of. Well it may

8 have, I don't know.

9 Q If you don't know, that's fine.

10 A Sorry.

11 MR. RIMBERG: Off the record.

12 (Whereupon, a discussion was held
13 off the record.)

14 MR. RIMBERG: Would you mark this
15 as Defendant's Exhibit F, please?

16 (Whereupon, two pages
17 ^ Description was marked as Defendant's
18 Exhibit F, for identification, as of
19 this date.)

20 Q I want to show you what's been marked as
21 Defendant's Exhibit F, for identification, which is a
22 two page document, which was produced by your attorney
23 in response to a demand for production of documents.

24 It's entitled, statement of net worth.

25 I'll ask if you've seen this before?